

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN BLACKWELL	:	CIVIL ACTION
	:	
v.	:	NO. 05-1572
	:	
SUPERINTENDENT GEORGE	:	
PATRICK, <i>et al</i>	:	

**ORDER**

**AND NOW**, this 27th day of November, 2006, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Respondents' Answer to Application for Habeas Corpus Relief, the Petitioner's Response and/or Objections to Respondents Answer, the Report and Recommendation filed by United States Magistrate Judge David R. Strawbridge (Document No. 14), and the Petitioner's Statement of Objections to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** that:

- 1) The petitioner's objections to the Report and Recommendation are **OVERRULED**;
- 2) The Report and Recommendation of Magistrate Judge Strawbridge is **APPROVED** and **ADOPTED**;<sup>1</sup>
- 3) The Petition for Writ of Habeas Corpus is **DISMISSED**; and,
- 4) There is no probable cause to issue a certificate of appealability.

s/ Timothy J. Savage  
TIMOTHY J. SAVAGE, J.

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<sup>1</sup> The petitioner contests the magistrate judge's calculation of the limitations period. See *Swartz v. Meyers*, 204 F.3d 417, 420-22 (3d Cir. 2000). However, he concedes that even under the proper calculation of the period, his petition is untimely. Accordingly, he invokes the doctrine of equitable tolling to overcome the time bar.

Because the magistrate judge's analysis of the equitable tolling argument and his conclusion that the petition is time-barred are correct, the petition will be dismissed.